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10/037,683	01/04/2002	Robert S. Brayton	COMP:0270 P01-3944	8294

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EXAMINER

BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

88

Office Action Summary	Application No. 10/037,683	Applicant(s) BRAYTON ET AL.	
	Examiner Adam L. Basehoar	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-10, 16-19, 21, 22 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-10, 16-19, 21-22, and 24-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: The Amendment filed 02/14/06 to the RCE filed 08/29/05.
2. The previous rejections of claims 1-3, 7, 16-19, 22, and 26 have been withdrawn as necessitated by Amendment.
3. Claims 1-3, 7-10, 16-19, 21-22, and 24-28 are pending in the case. Claims 1, 8, and 16 are independent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 7, 16-19, 22, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pettersen (US-6,826,594 11/30/04) in view of Chen et al (US-6,021,437 02/01/00).

-In regard to independent claim 1, Pettersen teach a method or supervising a managed server comprising:

providing a web page (Fig. 2: 86) to a requesting computer (Fig. 2: 80) from a file system embedded within a managed sever (Fig. 11: 793), the Web page comprising a source call (Fig. 2:

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88) to an object file (column 9, lines 2-14), wherein the requesting computer was disposed remote from the managed server (Fig. 2: 100);

generating the object file in real-time (column 9, 16-20), the object file configured to access dynamic data from the server (column 9, 20-31), wherein the dynamic data comprises information indicative of status of the managed server (column 9, lines 21-31);

serving the dynamic data to the Web Page in real-time via data variables in the object file (column 9, lines 21-31), wherein the act of serving the dynamic data (column 9, lines 21-22: “passed back to the user’s web browser”) was performed separately from the act of providing the Web page (column 8, lines 55-57); and

populating the Web page with dynamic data via the object file in real-time based on the source call (column 9, lines 20: “resulting in display of the desired content”).

Pettersen does not teach wherein the dynamic data indicative of the status of the managed server was generated in real-time. Chen et al teach creating dynamic data indicative of the status of a managed server generated in real-time (Abstract; column 2, lines 31-67, column 4, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic data of Pettersen to have been created in real-time as disclosed in Chen et al, because Chen et al teach said process provides a simple, effective, and inexpensive to implement way for real-time monitoring of data (column 2, lines 31-38).

Pettersen teaches wherein the file system maintaining the plurality of web pages was on the requesting computer (Figs. 2 & 11: 80 & 793). Pettersen does not teach wherein the file system was embedded on the remote managed server. It would have been obvious to one of ordinary skill in the art at the time of the invention for the remote managed sever of Pettersen to

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have maintained the file system of web pages, because it was notoriously well known in the art at the time of the invention that maintaining a plurality of web pages required increased storage capacity at the user computer and thus storing said web pages on the managed server would significantly reduce the storage load of the requestor (i.e. requesting computer would only need to maintain the current web page requests and not all available web pages).

-In regard to dependent claim 2, Pettersen teach retrieving the Web page from the file system (Fig. 11: 793), wherein the file system comprises a plurality of Web pages (Fig. 11: 793 : “Web Pages”) in a markup language (column 6, lines 46-48: “HTML”).

-In regard to dependent claim 3, Pettersen teach generating and testing the Web page independently from the object file (column 6, lines 23-25), wherein the Web page was constructed in a markup language (column 6, lines 46-48: “HTML”) compatible with a scripting language for the source call (Fig. 2: 88)

-In regard to dependent claim 7, Pettersen teach merging the dynamic data with the Web page via a Web browser (column 9, lines 18-20).

-In regard to dependent claim 22, Pettersen teach enabling remote management of the managed server based on the dynamic data (column 8, lines 43-67; column 9, lines 1-31: i.e. remotely test the managed server by requesting dynamic web content).

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-In regard to dependent claim 26, Pettersen does not teach storing the object file temporarily in a cache of the requesting computer. It would have been obvious to one of ordinary skill in the art at the time of the invention for Pettersen to have stored the object file in cache a the requesting computer, because it was notoriously well known in the art at the time of the invention that storing data in cache was designed to speed up subsequent access to the same data. Thus if a similar document was requested again, the dynamic data could be populated into the webpage without having to contact the server again.

-In regard to independent claim 16, Pettersen teach a managed server comprising:

- a management module embedded in the management server (Fig. 11: 780);
- a web server disposed on the management module (Fig. 11: 781);
- a file system (Fig. 11: 793) disposed on the management module and configured to store Web pages (Fig. 11: 793: "Web Pages") to be served to a requesting computer (Fig. 2: 80) via the Web server (Fig. 11: 781);
- a dynamic Web page stored on the file system (Fig. 2: 86), wherein the dynamic web page comprises a call for a file in a scripting language (Fig. 2: 88);
- a call analysis module adapted to identify dynamic data desired by the call (column 9, lines 12-18);
- a data collection module adapted to retrieve from the server the dynamic data (column 9, lines 17-18: "retrieve the appropriate output") identified by the call module and to generate the file (column 9, lines 21-27);

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a data transmission module adapted to serve the file (column 9, lines 18-19: “retrieved output is then passed back to the calling web page) separately from the dynamic web page (Fig. 2: 86) to the requesting computer (Fig. 2: 80); and

a data population module adapted to merge the dynamic data in the file with the dynamic web page at the requesting computer (column 9, lines 20-31).

Pettersen does not teach wherein the dynamic data indicative of the status of the managed server was generated in real-time. Chen et al teach creating dynamic data indicative of the status of a managed server generated in real-time (Abstract; column 2, lines 31-67, column 4, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic data of Pettersen to have been created in real-time as disclosed in Chen et al, because Chen et al teach said process provides a simple, effective, and inexpensive to implement way for real-time monitoring of data (column 2, lines 31-38).

Pettersen teaches wherein the file system maintaining the plurality of web pages was on the requesting computer (Figs. 2 & 11: 80 & 793). Pettersen does not teach wherein the file system was embedded on the remote managed server. It would have been obvious to one of ordinary skill in the art at the time of the invention for the remote managed sever of Pettersen to have maintained the file system of web pages, because it was notoriously well known in the art at the time of the invention that maintaining a plurality of web pages required increased storage capacity at the user computer and thus storing said web pages on the managed server would significantly reduce the storage load of the requestor (i.e. requesting computer would only need to maintain the current web page requests and not all available web pages).

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-In regard to dependent claim 17, Pettersen teach wherein the dynamic web page was written in an Internet markup language (column 6, lines 46-48: "HTML").

-In regard to dependent claim 18, Pettersen teach wherein the data population module was executable by a web-browser (column 9, lines 19-20).

-In regard to dependent claim 19, Pettersen teach wherein the data population module comprises a scripting function disposed in the file (column 9, lines 4-9).

6. Claims 8-10, 21, 24, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pettersen (US-6,826,594 11/30/04)) in view of Chen et al (US-6,021,437 02/01/00) in further view of Thurston (US-6,865,716 03/08/05).

-In regard to independent claim 8, Pettersen teach a method for operating a managed server, comprising:

providing a web page (Fig. 2: 86) to a remote browser (Fig. 2: 84) from an embedded system disposed within the managed server (Fig. 11: 793), wherein the web page comprises a call (Fig. 2: 88) to a dynamic data file (column 9, lines 2-14) and the web page was written in a standard markup language (column 6, lines 46-48: "HTML"), and wherein the call was configured to be evaluated at the remote browser to initiate a data request from the remote browser to the embedded system based on the call (column 9, lines 12-18);

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accessing dynamic data (column 9, lines 21-27) from the embedded system and creating the dynamic data file (column 9, 16-20) in real-time independently of the web page (Fig. 2: 86) and in response to the request (column 9, lines 12-16); and

transmitting the dynamic data file from the embedded system to the remote browser (column 9, lines 18-20) for merging the dynamic data in the dynamic data file with the provided Web page (Fig. 2: 86) based on the call to populate the Web page at the remote browser (column 9, line 20).

Pettersen does not teach wherein the dynamic data indicative of the status of the managed server was generated in real-time. Chen et al teach creating dynamic data indicative of the status of a managed server generated in real-time (Abstract; column 2, lines 31-67, column 4, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention for the dynamic data of Pettersen to have been created in real-time as disclosed in Chen et al, because Chen et al teach said process provides a simple, effective, and inexpensive to implement way for real-time monitoring of data (column 2, lines 31-38).

Pettersen teaches wherein the file system maintaining the plurality of web pages was on the requesting computer (Figs. 2 & 11: 80 & 793). Pettersen does not teach wherein the file system was embedded on the remote managed server. It would have been obvious to one of ordinary skill in the art at the time of the invention for the remote managed sever of Pettersen to have maintained the file system of web pages, because it was notoriously well known in the art at the time of the invention that maintaining a plurality of web pages required increased storage capacity at the user computer and thus storing said web pages on the managed server would

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significantly reduce the storage load of the requestor (i.e. requesting computer would only need to maintain the current web page requests and not all available web pages).

Pettersen does not teach localizing a language of the Web page via language localization files embedded within the managed server. Thurston teaches a method for localizing a language of a web page via language localization files embedded within a server (column 1, lines 28-45). It would have been obvious to one of ordinary skill in the art at the time of the invention for Pettersen to have localized the language of the web page sent to the user, because Thurston teaches that localizing web pages supplies appropriate web pages tailored to the language skills of a given user (column 1, lines 20-27).

-In regard to dependent claim 9, Pettersen teach wherein the call comprises a scripting language (column 9, lines 4-9).

-In regard to dependent claim 10, Pettersen teach wherein the dynamic data file comprises a scripting language file (column 9, lines 10-16).

-In regard to dependent claim 24, Pettersen teach wherein the dynamic data was indicative of the managed server (column 9, lines 21-27)(Fig. 11: 785).

-In regard to dependent claim 21, Pettersen does not teach localizing a language of the Web page via language localization files embedded within the managed server. Thurston teaches a method for localizing a language of a web page via language localization files embedded

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within a server (column 1, lines 28-45). It would have been obvious to one of ordinary skill in the art at the time of the invention for Pettersen to have localized the language of the web page sent to the user, because Thurston teaches that localizing web pages supplies appropriate web pages tailored to the language skills of a given user (column 1, lines 20-27).

-In regard to dependent claim 25, Pettersen does not teach localizing a language of the Web page via language localization files embedded within the managed server. Thurston teaches a method for localizing a language of a web page via language localization files embedded within a server (column 1, lines 28-45). It would have been obvious to one of ordinary skill in the art at the time of the invention for Pettersen to have localized the language of the web page sent to the user, because Thurston teaches that localizing web pages supplies appropriate web pages tailored to the language skills of a given user (column 1, lines 20-27).

-In regard to dependent claim 27, Pettersen does not teach storing the dynamic data file temporarily in a cache of the requesting computer. It would have been obvious to one of ordinary skill in the art at the time of the invention for Pettersen to have stored the dynamic data file in cache at the requesting computer, because it was notoriously well known in the art at the time of the invention that storing data in cache was designed to speed up subsequent access to the same data. Thus if a similar document was requested again, the dynamic data could be populated into the webpage without having to contact the server again.

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7. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pettersen (US-6,826,594 11/30/04)) in view of Chen et al (US-6,021,437 02/01/00) in further view of Ellison et al (US-6,487,547 11/26/02).

-In regard to dependent claim 28, Pettersen does not teach wherein the management module comprises a lights-out management module. Ellison et al teach a providing a lights-out management module (column 12, lines 39-64). It would have been obvious to one of ordinary skill in the art at the time of the invention for Pettersen to have operated a lights-out management module for said management module, because Ellison et al teach that a lights-out management module provides the benefits of allowing system administrators to operate remotely (column 12, lines 39-64) which in turn reduce the reduce the total cost of maintaining the system (Abstract)

Response to Arguments

8. Applicant's arguments with respect to claims 1, 8, and 16 have been considered but are moot in view of the new ground(s) of rejection.

-In general the Applicant argues that Pettersen fails to teach “generating an object file in real-time, the object file configured to access dynamic data from the server, wherein the dynamic data comprises information indicative of status of the managed server, and wherein the dynamic data is generated in real-time.” The Examiner agrees with the Applicant that the Pettersen reference fails to teach the newly amended limitation wherein the dynamic data was generated in real-time. However the Examiner believes the Pettersen reference in view of the newly cited Chen et al reference teach said limitation. As claimed, the Examiner does not find the Applicant’s arguments persuasive in regards to attempting to differentiate the dynamic content of

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the Pettersen reference and the dynamic data of the claimed invention. In addition the Examiner considers "information indicative of status of the managed sever" to be broadly recited in that the mere population of the dynamic web pages of Pettersen with dynamic content of the server provides information to the client that indeed the sever at that given time is functional.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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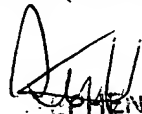
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121.

The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB


STEPHEN HONG
SUPERVISORY PATENT EXAMINER